

REMARKS/ARGUMENTS

In the Office Action mailed June 15, 2009, claims 1-5, 7-23, and 25-35 were rejected. Applicants have amended claims 1 and 19, support for which may be found in the specification, for example, at paragraphs [0017], [0020], [0028], and [0029].

Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references.

CLAIM REJECTIONS – 35 U.S.C. §112

The Examiner rejected claim 5 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim recites a “first functional area” and a “second functional area.” The Office action suggests that it is unclear what an “area” is defined to mean.

Applicants proffer that the term area of “functional area” is self-evident from the ordinary meaning of the word. However, in one embodiment of the specification (paragraph [0016]), for example, “[f]olders could include a glossary of terms related to mergers and acquisitions [], because different people may be involved from deal to deal, and might not be familiar with the terminology. Folders could also include information about best practices by functional area []. These would delineate, for those unfamiliar with the general process of making a deal, the company’s option regarding a preferred way to carry out a merger or acquisition.” Thus, the

term area of “functional area” may in one embodiment, relate to the roles of people and there is specific information that is accessible to people in those roles.

Applicants consider that the term area of functional area in claim 5 is sufficiently defined by its ordinary meaning and request withdrawal of this rejection.

CLAIM REJECTIONS – 35 U.S.C. §101

The Examiner rejected claims 19-23 and 25-35 under 35 U.S.C. §101, because the claimed invention is allegedly directed to non-statutory subject matter.

Claim 19 has been amended to include a processor, which is inherently disclosed in the descriptions of, for example, the network enabled device, or computer in paragraph [0017], and the user terminals, or computers connected to the storage medium through a distributed network in paragraph [0020]. In light of the above amendment, Applicants believe claim 19 to be in condition for allowance and respectfully request withdrawal of this rejection. This is also inline with the Interim Examination Instructions for Evaluating Subject Matter Eligibility, released from the US Patent Office in August 2009.

Claims 20-23 and 25-35 depend directly or indirectly from claim 19. In light of the above amendment, Applicants believe claim 19 to be in condition for allowance, therefore these dependent claims are also allowable.

CLAIM REJECTIONS – 35 U.S.C. §102

Claims 1-4, 7, 9-12, 14, 19-22, 25, 27-30 and 31 stand rejected under 35 U.S.C. §102(e) as being anticipated by Dingman *et al.* (U.S. Patent No. 7,110,970; “Dingman”). In light of the following remarks, Applicants respectfully submit that these claims are allowable.

As per claims 1 and 19, Dingman allegedly discloses a system and method comprising:
an electronic reference center wherein data is stored representing best practices for deal due diligence (Claim 11, discloses storing historical best practices from past due diligence exercises);

an electronic digital war room wherein due diligence data is stored and accessed along with due diligence results, and the war room includes at least one of the following legal and financial findings and legal and financial documents (Fig. 15; Claim 1, discloses a virtual war room which stores due diligence data referring to past due diligence exercises that may be accessed by a user); and

an electronic data repository containing a checklist of due diligence activities (Claim 8, discloses storing a due diligence project to do list (i.e. checklist));

a machine-accessible storage medium configured to store one or any combination of the electronic reference center, the electronic war room, and the electronic data repository (Fig. 15; Col. 24, lines 40-64, discloses repository storing due diligence information including a dictionary, a tool library, a deal pitch repository, links, and dashboards where the information can be accessed); and

a plurality of network enabled devices configured to access the items stored on the storage medium, and having a display configured to display the accessed items (Claim 13, Col. 3, lines 31-56, discloses at least one computer connected to a network in order to access information stored in the repository).

What Dingman discloses is a computerized system for organizing and analyzing information. A number of due diligence tools and processes are implemented within the system (*see* Dingman, Col. 24, lines 40 and 41). The system, comprising these due diligence tools and

processes, is informally referred to as a Virtual War Room (*see* Dingman, Col. 24, lines 51 and 52). The Virtual War Room is a singular encompassing system which allows access to these due diligence tools and processes along with information stored from present and past projects (*see* Dingman, Col. 24, lines 40-50). Dingman further discloses other repositories of information available to users (*see* Dingman, Col. 25, lines 19-28).

Dingman's systems disclose a number of different resources available to a user, including due diligence tools and processes, and repositories of information. The due diligence tools and processes are part of a system Dingman informally calls a Virtual War Room. The disclosure mentions that these resources can be accessed, but fails to detail how access is accomplished other than that these resources are part of a computerized system. Thus, Dingman fails to disclose at least “[a]n electronic data room, comprising: . . . (f) a portal containing access points to the electronic reference center and the electronic digital war room, wherein the electronic digital war room access point is linked to access points for individual deals,” as recited in amended claim 1. In light of this amendment, Applicants believe claim 1 to be in condition for allowance and respectfully request withdrawal of this rejection.

Claims 2-5 and 7-18 depend directly or indirectly from claim 1. In light of the above amendment, Applicants believe claim 1 to be in condition for allowance, therefore these dependent claims are also allowable.

Claim 19 was rejected similarly to claim 1. Thus, Dingman fails to disclose at least “[a] method of storing and providing access to electronic data, comprising the steps of: . . . (f) providing a portal which allows access to the electronic reference center and the electronic digital war room, wherein access to the electronic digital war room is linked to access for individual deals,” as recited in amended claim 19.

In light of this amendment, Applicants believe claim 19 to be in condition for allowance and respectfully request withdrawal of this rejection.

Claims 20-23 and 25-35 depend directly or indirectly from claim 19. In light of the above amendment, Applicants believe claim 19 to be in condition for allowance, therefore these dependent claims are also allowable.

CLAIM REJECTIONS – 35 U.S.C. §103

The Examiner rejected claims 5, 8, 13, 15-18, 23, 26, and 32-35 under 35 U.S.C. §103(a) as being unpatentable over Dingman in view of Fredell *et al.* (U.S. Patent No. 6,678,698; “Fredell”). In light of the above amendments and remarks, Applicants believe these claims are allowable.

EXAMINER NOTE

The Examiner suggests that claims 1-5, 8, 9, 12, 14, 19-23, 26, 27, 30, and 31 are directed at non-functional descriptive material, and that the claims simply recite the storage of data. The specific type of data being stored does not change the function of the claimed invention. The Examiner contends that the system and method of Dingman is fully capable of storing the data recited in the claimed invention.

Applicants have amended claims 1 and 19 believe that the claims recitation extends beyond the mere storage of data. In turn, the dependent claims 2-5, 8, 9, 12, and 14, dependent directly or indirectly from claim 1, and 18-23, 26, 27, 30, and 31, dependent directly or indirectly from claim 19, are also not limited to the mere recitation of data storage.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request that all the objections and rejections to the claims be removed and that the claims pass to allowance. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 202-861-1610 in an effort to resolve any matter still outstanding before issuing another action. The undersigned Attorney is confident that any issue which might remain can readily be worked out by telephone.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to our Docket No. 87295.1520.

Respectfully submitted,
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